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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,740

01/20/2006

Werner Baumann

126561

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25944 7590 02/18/2009

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EXAMINER

TRAIL, ALLYSON NEEL

ART UNIT

PAPER NUMBER

2876

MAIL DATE

DELIVERY MODE

02/18/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,740	<b>Applicant(s)</b> BAUMANN ET AL.	
	<b>Examiner</b> ALLYSON N. TRAIL	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/06</u> .                                                    | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Continuation Data***

1. This application is a National Stage Entry of PCT/CH03/00524, filed July 30, 2003.

### ***Information Disclosure Statement***

2. The Information Disclosure Statement filed on February 8, 2006 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 7-10, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Itako (2003/0050890).

With respect to claim 1, Itako teaches a terminal (10) designed to perform transactions (vending transactions) requested by the holder of an IC-card (paragraph 0049), including a touch panel display (see paragraph 0049) and means for contactless communication with the IC-card (see paragraph 0049), characterized in that at least one antenna (7), designed to receive signals from and/or to send signals to the IC-card is embedded in the touch panel display (see paragraph 0049).

With respect to claim 2, paragraph 0049 further discloses that a the terminal includes a communication module comprising a communication module, a receiver and a transmitter connected to the antenna (7), wherein the communication module is integrated in the touch panel display.

With respect to claim 3, Itako illustrates in figure 2, that the terminal's (10) communication module and the controller for the touch screen functionality of the touch panel display are implemented in a common circuit. Refer to paragraphs 0032-0033.

With respect to claim 7, Itako teaches the terminal being a point of sales terminal, specifically a vending machine.

With respect to claim 8, Itako discloses in paragraph 0028 that the antenna is designed to receive signals from and/or to send signals to the IC-card.

With respect to claims 9 and 10, Itako discloses in paragraphs 0028 and 0049 that a communication module which includes a communication controller, a receiver and a transmitter connected to the antenna, is integrated into the touch panel display.

With respect to claim 14, Itako discloses in paragraphs 0032-0033, 0035, 0040, and 0051, that the touch panel display, characterized in that all data originating from the user side, data entered by the user and data read from the IC-card, are transmitted over a common data bus to the main processor and/or that the communication protocol used to exchange data with the IC-card, is implemented within the touch panel display module.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-6 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itako in view of Perez et al (5,257,164), hereinafter Perez.

Itako's teachings are discussed above. With respect to claims 4 and 11 Itako further discloses in paragraph 0028 holding the IC-card within the area of effectiveness of the radio waves emitted by the antenna section 7. With respect to claims 6 and 13, Itako discloses in paragraph 0055 an optical sensor for reading data written on the surface of the IC-card.

Itako however fails to specifically teach a receptacle designed to receive and hold the IC-card.

With respect to claims 4, 5, 11, and 12, Perez discloses in the abstract a touch screen display interface terminal. The touch screen display terminal includes a receptacle (recess/cavity) designed to receive and hold the IC-card. Also see figure 1.

In view of Perez's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to include an actual receptacle for the IC-card in the touch screen display as is taught by Perez, in the terminal disclosed by Itako. Though Itako teaches using a non-contact IC-card and holding the card close to the antenna, one would be motivated to include an actual recess for the card as well in

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case the signal strength is low wherein a non-contact reading would fail. Including a receptacle for reading the IC-card would therefore offer an additional method of communicating with the point of sales terminal.

7. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itako in view of Lee (2003/0001006).

Itako's teachings are discussed above. Itako however fails to specifically teach both reading fingerprint data as well as supporting a secure data entry and transfer.

With respect to claim 15, Lee discloses in paragraph 0025 (describing figure 1) a vending machine including a finger print recognition module.

With respect to claim 16, Lee discloses in paragraph 0028 using either a contact type or non-contact type IC card as IC cards are known to perform an encryption so that important personal information is securely communicated.

In view of Lee's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to include the fingerprint recognition module taught by Lee in the vending machine terminal disclosed by Itako. One would be motivated to include a biometric data reader in order to further authorize the user of the IC-card. Further authorizing would decrease fraudulent use of the card.

Additionally, one would be motivated to communicate securely using an IC-card as is taught by Lee. Since important personal and financial information is being transferred in the vending method taught by Itako it would be desired to keep the data secure.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Kawai et al (2008/0105739), Leung et al (2003/0220834), Azuma (2004/0169081).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [***allyson.trail@uspto.gov***].

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*All Internet e-mail communications will be made of record in the application file.*

*PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

/Allyson N. Trail/  
Allyson N. Trail  
Patent Examiner  
Art Unit 2876

February 16, 2009